

THE LEGACY OF INFLUX CONTROL

INTRODUCTION

This paper concentrates on the effects of the removal of influx control in the Natal/KwaZulu region, particularly in the Durban Region.

Since the two previous articles in "Reality" have dealt with recent legislative changes this aspect has not been repeated.

While the abolition of influx control is wholeheartedly to be welcomed, adjustment will be necessary to the consequences of this change.

While conducting research Inkatha Institute fieldworkers have come across a certain amount of disappointment; the opinion has been expressed that "things are no better". Possible reasons for this perception may lie in people's disappointments at legal obstacles to settlement in urban areas that remain or in unfulfilled expectations of greater job opportunities and better living conditions.

The article seeks to illuminate some difficulties that continue to face policy makers and local authorities in the wake of the removal of influx control in the spheres of employment, accommodation and squatter control.

EMPLOYMENT

Since the abolition of influx control legislation in 1986, Blacks, except for citizens of TBVC countries – i.e. Transkei, Bophuthatswana, Venda and Ciskei – have the same freedom of movement as other race groups as far as working in urban areas is concerned.

The abolition of influx control has been of great benefit to employers who no longer have to register their workers at labour bureaux. Registration at labour bureaux is now voluntary on the part of employers and employees. Employers have been "decriminalised" for employing people they wanted but who were not "legal". However this relief is not total; employers are still expected to legalise the employment of aliens through yearly contracts.

In Natal this affects particularly employers of Transkeians. Nationals of the Transkei need to have passports or travel documents and a letter from a prospective employer so that a contract can be stamped in the passport. The contract is subject to renewal yearly.

To obtain a passport or travel document is a relatively easy procedure from the Transkeian Consulate. An applicant needs 2 photographs and R1 to apply.

A citizen can avoid the yearly contract by applying for restoration of South African citizenship. To be eligible however a person must have lived "lawfully and permanently" in the Republic of South Africa for five years, according to the Restoration of Citizenship Act, No. 73 of 1986. The Department of Home Affairs appears to interpret this condition as requiring that an applicant has lived in family circumstances and not as a single man in a hostel – although there is some uncertainty about this. Moreover there is the further question as to whether residence in a shack area will be regarded as constituting "lawful" accommodation.

While most citizens of TBVC states are, therefore, technically aliens, there does not appear to be harassment of employers or alien employees in the Durban area. It is not possible to state how many people have been convicted under the Act without monitoring all court records but it would appear that there are few prosecutions; an enquiry of the Public Prosecutor in Durban revealed that there has been one prosecution against an illegal alien this year.

Employers, however, are becoming aware of the stiff penalties for non-registration of contracts. In September 1986 a circular was sent to employers by the Department of Home Affairs stating that the call-in card system, which employers had abandoned after the abolition of Influx Control Act of July 1986, had to be re-introduced for aliens. This affected thousands of workers. (The call-in card was issued by the employer, stamped by the Administration Board, and constituted in effect a permission-to-return document under the old influx-control system).

It also meant that TBVC employees of 10 or 20 years standing risked losing their jobs if Manpower decided to give the job to a South African citizen – in terms of the procedure described below.

This could have affected thousands of workers. Many employers have permanent, long-serving employees who are "migrants" who go through the formality of concluding yearly contracts while they go to and from work like any township resident.

This has been the subject of negotiations between some unions and employers, and Government. One employer interviewed stated that legal opinion had been taken which stated that, as the law stands at present, employers cannot be prosecuted nor can individuals as they are exempt from section 7 of the Aliens Act, which states that TBVC citizens whose "permanent home" is in the TBVC countries are not eligible for South African identity documents.

The need for registration is disadvantageous to workers in other respects as well; for example, Mr X who is a workers' representative, or shop steward, was nearly ousted by a rival bid for power on the grounds that he was an alien, although he had been in the firm for 20 years.

This policy does have the effect of giving job preference to citizens outside of the independent states. The Department of Home Affairs of the Central Government asks the Department of Manpower about the state of employment in the different job categories when an alien asks Home Affairs for a permit to work in South Africa. If there is an excess of manpower in a certain job category the alien could be refused a job if Home Affairs so decide. This policy is aimed at giving what jobs there are to South African citizens before aliens.

KwaZulu policy towards Transkeians and other TBVC citizens

Many Transkeians are employed in Natal. KwaZulu Government policy has been to assist these Transkei citizens since it sees them as South African citizens. The traditional

Zulu attitude has been an open-handed one. The KwaZulu Government have assisted in processing applications of TBVC citizens through Ulundi to Pretoria and assisting them to re-naturalise. (1)

Labour Bureaux

The system of labour bureaux has also been altered by the abolition of the influx control legislation. The labour bureaux were designed to play an important part in regulating the flow of people into urban areas. Under the Urban Areas Act, now repealed, "all urban Blacks had to register as workseekers at the local labour bureau in their area within three days of having become unemployed." (2)

Employers had to register vacancies with the bureaux. "No Black could be employed unless the labour bureau had granted its permission for such Black to be employed." (3) In practice however many employers and employees did not follow this procedure.

Under the labour bureau system urban and rural bureaux were set up. However the District (rural) labour bureaux did not function as intended. The KwaZulu people preferred to come to the Administration (later Development) Board's urban labour bureaux where jobs were advertised or to go directly to employers; employers often preferred to employ people they chose to suit the job to be done. The District bureaux were not placement agencies; they did not keep details of a person's skills and match him to a position. The Guidance and Placement Act 1968 provided for job categories; once a Black had taken a job in a certain category it was difficult to change categories; this failed to satisfy the demands for the matching of skilled workers to jobs requiring skills.

The abolition of influx control legislation has abolished the district labour bureaux. Now the Chief or Headman in an area can be contacted to supply workers but this is not part of an officially constituted system.

It is feared that rural people, especially matriculants who find it difficult to obtain employment in urban areas, are being excluded from the job market because employers no longer go to rural areas to recruit.

This does appear to mean that it could be harder for rural people to obtain posts in urban areas than urban dwellers.

ACCOMMODATION

While removal of influx control allows South African citizens freedom to work where they wish within the Republic, and this is a great advance, the problem of accommodation remains, indeed it may have been exacerbated.

Official accommodation is provided in townships and hostels. In the Natal townships there are waiting lists, on which in some cases "section 10" people who need houses have waited for up to 15 years. These are people who gained permission to live in urban areas, outside the "homelands", under the old influx control legislation. "Section 10's" were those who were born and brought up in urban areas or who had lived and worked for many years in an urban area.

The waiting lists in townships therefore mostly reflect the housing shortage for people who are urbanised. Rural migrants are last on the list. In the townships of Lamontville and Chesterville in Durban there are waiting lists for sites

of 400 and 300 respectively. Government policy was to freeze the growth of Lamontville and Chesterville and most of the other townships.

Many of the shack areas that have sprung up around townships have been the result of overspill from overcrowded houses. Average house occupancy ratios for a 4-roomed house in ex-Natalia Development Board townships as at 31/12/85 were 11,61 per 4-roomed house (this compared with 10,78 in the Cape; 7,62 in the OFS and 8,75 in the Transvaal). (4) In the KwaZulu townships the average in 1985 was 9.84 (5) The occupancy ratio varied between townships from 15.5 for Ngwelezane (near Empangeni) to 4.7 for Ulundi with Durban townships in KwaZulu varying between 12.00 for Kwa-Mashu, 9,39 for Umlazi and 6,1 for Ntuzuma. These are official figures and do not reflect "illegal" lodgers.

The recent Central Government housing policy of privatization has meant that only those who can afford to buy and build can obtain the sites that are available. This can cause tension in a township where the sites are allocated to developers who will then develop them and sell at a profit, instead of the old system of allocation of single units to individuals according to the waiting list at an affordable rental or, preferably, bond.

There is thus a shortage of affordable official accommodation. More than half of the black people of Durban area live in the shack areas around the city, that is 1,25 million people. (6)

Gaining access to legal urban accommodation

In addition to the shortage of housing units access to official urban housing is also made dependent on individuals meeting the requirements of administrative regulations.

To obtain a house, a site or a bed in a hostel a person has to apply and follow the regulations laid down by law or by the administrative officials and Town Councils.

Apart from the regulations in Proclamation R293 which govern townships, each township has its own additional regulations. This applies to both Natal and KwaZulu townships. Township authorities are concerned that a person who takes a house can pay the rent; or if he gets allocated a site under the new policy of privatization, that he can afford the loan repayment. Therefore those that can afford to pay are chosen from the waiting list.

Generally proof of long, stable service is preferred for anyone wanting to rent a house or obtain a site. This policy favours long-term urban residents.

Women without dependants would still find it difficult to obtain a house in the township, or to keep one, in the case of an older woman whose children are no longer with her if she had not bought the house. This is still part of Proclamation 293; however this proclamation is under review.

To find accommodation in a hostel proof of work is also called for in most of the Durban hostels.

Some of the hostels have a more stable population than others; in the centre of town there is less movement than elsewhere. Beds can be "inherited", that is, passed from father to son; each case is considered on its merits by the superintendent, otherwise the waiting list is followed.

A workseeker new in the area would therefore need to find temporary accommodation while seeking work and find

permanent accommodation later. He or she would need to find this with relatives, friends or through "informal landlords".

Housing policy appears to favour the formally employed. This summary of the position of workers shows that the abolition of influx control has meant a greater geographical mobility for workers who can now move around freely from place to place to seek work legally. In addition rural to urban mobility has not been facilitated to the same extent as inter-urban mobility. It remains to be seen how the rural workseeker will set about finding urban jobs.

The same freedom is not accorded him as far as living areas is concerned.

It is evident therefore that in the wake of the abolition of influx control the shortage of housing for Blacks is a pressing problem in the Natal/KwaZulu region.

It is recognised that many of those in hostels would prefer to be accommodated in houses with their families, and within reach of their jobs. How many this would be is a matter of estimate. In Clermont Hostel, for example, which has 12,000 people, an estimated 50% of the people are permanent, that is they have been there since 1974. (7) There is more movement in Clermont hostel, which is a large hostel and relatively new in relation to the older hostels referred to above.

If some of those currently living in hostels are wanting houses, as well as many lodging in townships and in the shack areas, the accommodation and services need in Durban alone, without considering the needs of the rest of Natal/KwaZulu, is great.

Moreover, while the abolition of influx control has meant greater freedom of non-TBVC citizens to seek work, settlement is still constrained by the Group Areas Acts and the Land Acts – an important issue which will not be elaborated here.

SQUATTER CONTROL NATAL

The abolition of influx control has brought the focus in Natal increasingly upon the Prevention of Illegal Squatting Act No. 52 of 1951 as a means of squatter control. The Abolition of Influx Control Act 1986 repealed the legislation stating that a Black could not be in an urban area for more than 72 hours without official permission; statutory power to forcibly remove black communities and individuals has also been repealed.

Some people interviewed during the course of the preparation of this paper expressed the view that the abolition of influx control has resulted in "chaos", that is, an increase in the uncontrolled squatting. At this stage it is difficult to state categorically whether the rate of migration to the cities has increased as a result of the abolition of influx control but it would appear that so far this has not been the case at least from rural areas. Present shack settlements have been growing steadily since the 1940's (8).

Interviews with shack dwellers in shack areas adjacent to existing townships indicate that most of these people come from the townships where they were unable to secure housing. The reason people were living near towns was to be near employment possibilities.

The position of people living "illegally" on land, especially in Natal, is an extremely sensitive issue since there are so many dimensions to the issue, including an awareness by authorities of the housing situation.

The Prevention of Illegal Squatting Act No. 52 of 1951 states that a landowner and local authority can obtain an order of ejectment against people who occupy land without permission.

Up to date it appears that eviction notices to squatters have been served in two areas in Natal, Welbedacht and Inanda Released Area 33, and in two shack areas in KwaZulu, Zamani and Malangeni, near Mpumalanga Township. However it has not yet been established what law is being used in these instances.

Local authorities such as the Durban Corporation would prefer a more rational and humane policy than that of summary eviction.

The latest resolutions made by the City Council in favour of accepting present squatters' settlements are evidence of this. (9)

KWAZULU

As far as KwaZulu is concerned a Magistrate who was consulted stated that the courts have yet to determine whether the Prevention of Illegal Squatting Act is enforceable in KwaZulu.

Within KwaZulu unplanned settlement which gives rise to what are usually subsequently termed shack areas, occurs on land held under different tenures. In rural areas these are tribal tenure, freehold tenure and Trust land (formerly held by the South African Development Trust but most of which is now under the KwaZulu Government); in urban areas shack building occurs on proclaimed township land.

With regard to land matters these tenure areas are administered by their own local authorities: tribal tenure areas by Tribal Authorities. Trust Land is slightly different in that land allocation is decided between the Agricultural Department and representatives of the people.

In peri-urban areas, such as Dassenhoek in KwaZulu, which is Trust Land, the land becomes progressively more densely settled, agricultural criteria for land use give way to the need for residential plots, settlement becomes more difficult to control to conform to the official designation of the area. The Magistrates do not enforce squatter control and evictions as these would not be welcomed by the people to whom the increased density of population, or urbanisation, offers a means of livelihood.

"The KwaZulu Government and Inkatha have always made it very clear that they will not tolerate the eviction of people without alternative accommodation being supplied". (10)

Conclusion:

In this region, therefore, the authorities are looking for a solution to the housing shortage of the urban population which appears to be the main legacy of influx control. The housing situation is connected to the low standard of services – indeed non-existent services in many cases – in the urban settlements. Unemployment, however, is the other source of the problems of Black people, as they themselves perceive things. (11)

REFERENCES

- (1) Verbal statement by KwaZulu Urban Representative.
- (2) "Report on Influx Control in the Durban Functional Region" for the Urban Foundation by JLR Dalberg, 1983, pg. 21
- (3) Ibid
- (4) Parliamentary reply to PFP MP, Mr P. Soal's, question on housing.
- (5) Township Managers' Reports.
- (6) Inkatha Institute 1983: Survey conducted for the Urban Foundation.
- (7) Hostel Manager's estimate.
- (8) As per (6)
- (9) Minutes of City Council's resolutions June 2, 1987 and **Daily News** June 3 1987.
- (10) "**Malukazi Issue and KwaZulu Policy**," J. Bhengu and C. Fourie "Malukazi Issue and KwaZulu Policy", **Inhlabamkhosi**, October 1983.
- (11) Research conducted in Afrika and Mgaga shack areas in conjunction with the University of Natal under the auspices of the Urban Foundation. □

by Peter Brown.

THE LIBERAL DEMOCRATIC ASSOCIATION

In the last issue of REALITY there was a brief mention of the formation of the Liberal Democratic Association.

Individual Liberals are involved in a wide variety of anti-apartheid organisations but they have no home of their own. The Liberal Democratic Association is intended to fill this gap, not by trying to draw its supporters out of organisations in which they are active, but by providing a meeting point for them where they can discuss and think through the implications of support for Liberal principles in the future, and from which they can disseminate their ideas to other people and organisations.

The Association is a non-racial body whose members are asked to commit themselves to the following principles of liberal democracy:

1. Equal political rights for all, with regular, free elections;
2. Basic freedoms for all citizens with special emphasis on freedom of the person, of speech and conscience, of movement and residence, assembly and association;
3. A constitution which accepts the principle of majority rule modified by
 - (i) guaranteed individual rights; and
 - (ii) minority participation in decision making; and
 - (iii) measures designed to bring about cooperation and collaboration between social and cultural groupings within the society;
4. Open government and accountability to the people;
5. A just economic system which provides a balance between public and private ownership, control and initiative, and a more equal distribution of resources;
6. An independent judiciary with government under law.

and to declare their opposition to:

- (a) Discrimination on the basis of race, colour, sex or belief and to all laws which give effect to such discrimination;
- (b) Cruel and inhuman measures or actions designed to bring about or to prevent social and political change;
- (c) All forms of totalitarianism.

In order to see how the application of its principles might work out in practice the Association is establishing four working groups to make suggestions for future policy in four important fields – economic, political, civil liberties, and the administration of justice. These will be **suggestions**, not fixed and immutable policy statements from which the slightest deviation becomes a heresy. The Association will be hoping to persuade critics of Liberalism that these suggestions offer the best basis for maximum freedom for everyone in a future non-racial South Africa. In turn it will be happy to be persuaded by them if they have something better to offer.

Within the limits of its principles the Association's approach to the solution of our problems will be as flexible as possible. South Africa has suffered enough at the hands of doctrinaire ideologues unendingly committed to their Utopian dreams. Dr Verwoerd was our classic example. Like all of his kind the **plan** became more important than people, who, if they got in its way, were simply brushed aside or trampled underfoot. We cannot afford another experience like that, whether the architects of the new **plan** are of the Right or the Left.

The task of Liberals in 1987 is to convince a sceptical audience that what they advocate is better than what anybody else does. Collectively, through the Liberal Democratic Association, they must now produce the facts and arguments to carry that conviction. Individually they must continue to involve themselves fully in whatever anti-apartheid activity best suits their own temperament and talents. Their ideas and their involvement will decide the extent of their influence on the future. □